THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 26539 of 2005

Dated 13.12.2005

Between:

S.Peer Basha, S/o.Shaik Abdul Khader,
D.No.7/566, N.G.O.'s Colony, Chinna Chowk Mazaara, Cuddapah City, Cuddapah District.

..... PETITIONER

AND

The Municipal Corporation of Cuddapah, Rep by its Commissioner, Cuddapah, Cuddapah District and 2 others

.....RESPONDENT(S)

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 26539 of 2005

ORDER:

The petitioner is a resident of Kadapa town. He is the owner of the shops bearing door Nos.3-168/5-A to H situate at Chinna Chowk Mazaara road, Kadapa city, Kadapa District. It appears that Kadapa Municipal Council passed a resolution on 14.10.2005 proposing to widen road from NTR Junction to Seven-roads Junction (Railway Station Road) from existing 50' to 60'. The petitioner alleges that officials of first respondent came to the petitioner's property and marked a portion for demolition for the purpose of widening the road. Therefore, placing reliance on the judgment of this Court in **P.Lakshmana Rao V. Executive Officer, Gram Panchayat** present writ petition is filed seeking a direction to the respondents not to demolish the petitioner's shops.

Learned standing counsel for Kadapa Municipal Corporation, Sri S.I.Newton, after getting instructions submits that pursuant to resolution of Kadapa Municipal Council, six committees were formed and the matter is under consideration. He further submits that the officials of the Kadapa Municipal Corporation have not visited the petitioner's premises nor any marking was made.

After considering the rival submissions, this Court is of considered opinion that the writ petition is filed on mere apprehension without there being any concrete steps taken by the Kadapa Municipal Corporation. However, if the land of the petitioner is to be acquired, the Corporation shall have to necessarily follow the procedure contemplated either under Section 146 or under Section 147 of the Hyderabad Municipal Corporation Act, 1955, which is applicable to Kadapa Municipal Corporation also.

The writ petition, with the above observations, is accordingly dismissed.

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(V.V.S.RAO, J)

Dt.13.12.2005